

EXHIBIT C

From: Wiech, Christopher A. <cwiech@bakerlaw.com>
Sent: Thursday, August 3, 2023 3:37 PM
To: Justin Saif; Lamb, Chelsea M.
Cc: bfaubus; Amy Keller; cmoore; Christina Sarraf; ehaber; James Ulwick; ggranade; jaci; JPizzirusso; mreese; nmigliaccio; Nathaniel Orenstein; Sharon Cruz; snathan; tom; Raymond P. Ausrotas; William McGonigle; Ian McLoughlin
Subject: RE: Debt Cleanse et al. v. LastPass - Proposed Discovery Protocols

[External] This email originated from outside of Berman Tabacco.

Justin,

I apologize for my delay in responding. I'm in the midst of trial preparation for a specially set jury trial later this month. As we previously discussed, Defendants believe discovery discussions are premature at this point. The consolidated class complaint hasn't been filed yet and, naturally, we haven't responded to it. Now that the judge has granted your motion to seal, I expect we'll receive the complaint shortly, and we'll respond within the time set forth in the current case management order. Notwithstanding our position on premature discovery, we will review your Confidentiality Order, ESI Protocol, Privilege Log Protocol, and 502(d) and Clawback Protocol. We have no objection to having these agreements negotiated, finalized, and submitted before discovery begins in earnest. But again, we haven't even responded to a complaint that has yet to be filed. So I think we have sufficient time to review and work together on getting these agreements in place. As for discovery to facilitate settlement, if the parties go down that path, we can address limited requests for information under the protections of FRE 408 and a Confidentiality Order. Finally, we received your notice of third party subpoenas. Is it Plaintiffs' position that formal discovery has already started? If so, what's the basis for that? At present, we think these subpoenas are improper, but we're open to discussing them with you in hopes of avoiding motions practice.

Thanks,

Chris

Christopher A. Wiech

BakerHostetler

T +1.404.946.9814

From: Justin Saif <JSaif@bermantabacco.com>
Sent: Wednesday, August 2, 2023 5:16 PM
To: Wiech, Christopher A. <cwiech@bakerlaw.com>; Lamb, Chelsea M. <clamb@bakerlaw.com>
Cc: bfaubus <bfaubus@classlawdc.com>; Amy Keller <akeller@dicellolevitt.com>; cmoore <cmoore@reesellp.com>; Christina Sarraf <CSarraf@bermantabacco.com>; ehaber <ehaber@shulaw.com>; James Ulwick <Julwick@dicellolevitt.com>; ggranade <ggranade@reesellp.com>; jaci <jaci@attorneyzim.com>; JPizzirusso <jpizzirusso@hausfeld.com>; mreese <mreese@reesellp.com>; nmigliaccio <nmigliaccio@classlawdc.com>; Nathaniel Orenstein <NOrenstein@bermantabacco.com>; Sharon Cruz <Scruz@dicellolevitt.com>; snathan <snathan@hausfeld.com>; tom <tom@attorneyzim.com>; Raymond P. Ausrotas <RAusrotas@arrowoodllp.com>; William McGonigle <WMcGonigle@arrowoodllp.com>; Ian McLoughlin <imcloughlin@shulaw.com>
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Chris,

Following up on my email below, do Defendants have any comments on the draft discovery protocols Plaintiffs shared in late June? Plaintiffs still plan to seek a scheduling conference promptly upon the Court's acceptance of the consolidated complaint.

Best,
Justin



Justin Saif
Of Counsel

P +1 617 542 8300 E jsaif@bermantabacco.com
O 1 Liberty Square, Boston, MA 02109

From: Justin Saif

Sent: Monday, June 26, 2023 3:00 PM

To: 'Wiech, Christopher A.' <cwiech@bakerlaw.com>; 'James Ulwick' <Julwick@dicellolevitt.com>; 'Amy Keller' <akeller@dicellolevitt.com>; 'Lamb, Chelsea M.' <clamb@bakerlaw.com>

Cc: 'aschubert' <aschubert@sjk.law>; 'bfaubus' <bfaubus@classlawdc.com>; 'bflick' <bflick@dannlaw.com>; 'bluongo' <bluongo@shulaw.com>; 'bnaumes' <bnaumes@jeffreysglassman.com>; 'bryan.thompson' <bryan.thompson@cclc-law.com>; 'cab' <cab@colevannote.com>; 'ccarlson' <ccarlson@tzlegal.com>; 'cmoore' <cmoore@reesellp.com>; Christina Sarraf <CSarraf@bermantabacco.com>; 'dpastor' <dpastor@pastorlawoffice.com>; 'dtomascik' <dtomascik@laukaitislaw.com>; 'ehaber' <ehaber@shulaw.com>; 'erica' <erica@mirabellallc.com>; 'ggranade' <ggranade@reesellp.com>; 'jaci' <jaci@attorneyzim.com>; 'jcrossman' <jcrossman@dannlaw.com>; 'jkeohane' <jkeohane@classlawdc.com>; 'jmerino' <jmerino@dannlaw.com>; 'JPizzirusso' <jpizzirusso@hausfeld.com>; 'kim' <kim@dannlaw.com>; 'kjamison' <kjamison@classlawdc.com>; 'klaukaitis' <klaukaitis@laukaitislaw.com>; 'kquat' <kquat@quatlaw.com>; 'lvn' <lvn@colevannote.com>; 'mblauner' <mblauner@shulaw.com>; 'mdann' <mdann@dannlaw.com>; 'mk' <mk@kindlaw.com>; 'mpatronella' <mpatronella@classlawdc.com>; 'mramirez' <mramirez@dannlaw.com>; 'mreese' <mreese@reesellp.com>; 'Ndill' <Ndill@shulaw.com>; 'nmigliaccio' <nmigliaccio@classlawdc.com>; Nathaniel Orenstein <NOrenstein@bermantabacco.com>; 'pvallely' <pvallely@shulaw.com>; 'rschubert' <rschubert@sjk.law>; 'sec' <sec@colevannote.com>; 'Sharon Cruz' <Scruz@dicellolevitt.com>; 'snathan' <snathan@hausfeld.com>; 'ssoneji' <ssoneji@tzlegal.com>; 'tom' <tom@attorneyzim.com>; 'Raymond P. Ausrotas' <RAusrotas@arrowoodllp.com>; 'William McGonigle' <WMcGonigle@arrowoodllp.com>; Ian McLoughlin <imcloughlin@shulaw.com>

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Hi Chris,

As we have previously noted, Plaintiffs believe that it is appropriate to begin formal discovery in the ordinary course, as discovery is not automatically stayed pending a motion to dismiss. *See Dizenzo v. Massachusetts Dep't of Correction*, No. 3:15-CV-30152-MGM, 2016 WL 158505, at *1 (D. Mass. Jan. 13, 2016) ("The [party wishing to stay discovery] bears the burden of showing good cause and reasonableness for a stay of discovery"). Because so much information relevant to this litigation is in the sole possession of Defendants, discovery is necessary to facilitate settlement and to address dispositive motions. For this and other reasons, Plaintiffs plan to seek a scheduling conference promptly upon filing their Consolidated Complaint. We hope that Defendants will not oppose this request.

To that end, we have prepared draft protocols that outline proposed guidelines and procedures for conducting discovery in this case for your review:

1. Confidentiality Order
2. ESI Protocol
3. Privilege Log Protocol
4. 502(d) and Clawback Protocol

We look forward to discussing and/or receiving redlines, comments, etc. and working towards a mutually acceptable set of protocols.

Lastly, you had previously indicated that you were not sure whether you would provide us with details of the insurance coverage maintained by your client. Please let us know whether you are willing to provide this information at this time.

Please let us know if you have any questions or would like to discuss.

Thank you,
Justin



Justin Saif
Of Counsel

P +1 617 542 8300 E jsaif@bermantabacco.com
O 1 Liberty Square, Boston, MA 02109
